

**DECISION
GRAFTON PLANNING BOARD**

**MODIFICATION OF DEFINITIVE SUBDIVISION PLAN APPROVAL
(EXTENSION OF CONSTRUCTION DEADLINE)**

**“Village At Institute Road” Subdivision
100 Westboro Road & Institute Road, North Grafton, MA
(Assessor’s Map 22, Lot 12)**

D&F Afonso Builders, Inc. (Applicant / Owner)

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Decision of the Grafton Planning Board (hereinafter the Board) on the petition of D&F Afonso Builders, Inc., 189 Main Street, Milford, MA 01757 (hereinafter the Applicant / Owner), for a modification of a Definitive Subdivision Plan Approval Decision to extend the construction deadline (as specified in the Definitive Plan Approval Decision) for completion of the road and associated infrastructure for a forty six (46) lot Conventional Development Residential Subdivision on property located at 100 Westboro Road & Institute Road, and shown on Grafton Assessor’s Map 22, Lot 12 (hereinafter the Site) by deed recorded in the Worcester District Registry of Deeds (WDRD) in Book 34122, Page 57.

The Definitive Plan Approval decision, dated January 22, 2018, as filed with the Town Clerk on January 24, 2018, is recorded in the Worcester District Registry of Deeds (WDRD) in Book 58546, Page 107. Condition #A11 of said Approval decision requires the subdivision to be completed within two (2) years of the date of Plan Endorsement or thirty (30) months of the date of the Decision, whichever is sooner.

I. BACKGROUND

The above referenced application for a Modification of a Definitive Plan Approval (hereinafter Application) was submitted on February 3, 2020. A public hearing on the Application was held on February 24, 2020. Notice of the public hearing and the subject matter thereof was published in the Grafton News on February 6th and 13th, 2020, and posted with the Town Clerk’s Office on February 3, 2020. Abutters were notified by First Class Mail. At the public hearing, all those wishing to speak to the petition were heard. Following public input, the hearing was closed on February 24, 2020.

The following Board members were present during the entire public hearing process: Chairman David Robbins, Vice Chairman Robert Hassinger, Clerk Justin Wood, Member Prabhu Balaji Venkataraman and Member Linda Hassinger. At the hearing, Amanda Cavaliere of Guerriere & Halnon, Inc., presented the proposal. The record of the proceedings and submissions upon which this decision is based may be referred to in the Office of the Town Clerk.

II. SUBMITTALS

The following Exhibits were submitted to the Board for its consideration of this application:

EXHIBIT 1. Application packet submitted by Guerriere & Halnon, Inc., received on February 3, 2020; materials submitted included the following:

- a. Application for Approval of a Modified Definitive Plan, “The Village at Institute Road” Definitive Conventional Subdivision, submitted by Dominic Afonso, dated January 14, 2020; 2 pages.

- b. Certificate of Good Standing, signed by the Treasurer / Collector’s Office on January 8, 2020; 1 page.
- c. Certified List of Abutters, dated January 6, 2020, 3 pages.
- d. Letter from Amanda Cavaliere, Guerriere & Halnon, Inc., to Town of Grafton Planning Department, dated January 30, 2020, received February 3, 2020, regarding Application for Approval of a Modified Definitive Plan – “The Village at Institute Road” Subdivision.

EXHIBIT 2. Public Hearing Legal Notice Filed with the Town Clerk on February 3, 2020.

EXHIBIT 3. Email from Nancy Connors, Grafton Health Department, to Grafton Planning Department, dated February 14, 2020.

EXHIBIT 4. Email from Katrina Koshivos, Grafton Zoning Board of Appeals, to Grafton Planning Department, dated February 18, 2020.

EXHIBIT 5. Public Hearing Sign-In Sheet for the February 24, 2020 public hearing; 1 page.

III. FINDINGS

At their meeting of March 9, 2020 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Robert Hassinger, seconded by Justin Wood) voted 5-0 to make the following Findings:

- F1. That determinations regarding the following findings are based upon the documents and plans identified in this Decision, as well as the information and EXHIBITS submitted and presented in association with the Application.
- F2. That during the public hearing, Amanda Cavaliere reviewed the status of the subdivision and noted that, an application for the extension of the construction deadline was sought to allow an alternative project proposal to proceed.

IV. DECISION and CONDITIONS

At their meeting of March 9, 2020 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Robert Hassinger, seconded by Justin Wood) voted 5-0 to **APPROVE** the application for Modification of Definitive Plan Approval decision with the following conditions:

- C1.) This approval specifically modifies Condition #A11 of the Definitive Plan Approval decision, dated January 22, 2018, as recorded in the Worcester District Registry of Deeds (WDRD) and referenced herein. This approval as presented in this Decision specifically allows an extension of the time period in which to complete the Subdivision (as specified in the above referenced Decision and Conditions of Approval), extending the deadline for completion to **January 22, 2021**.
- C2.) This DECISION shall not take effect until the Applicant has recorded it at the Worcester District Registry of Deeds and provided the Planning Board and the Building Department with a copy of such recording, including the WDRD Book and Page Number and/or Instrument Number.

- C3.) Unless modified by this Decision, all conditions of the previous Definitive Plan Approval decision, for the "Village at Institute Road" Subdivision recorded in the Worcester District Registry of Deeds and referenced herein, remain in full force and effect.

V. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted **5-0** to **APPROVE** the modification of a definitive plan approval to extend the period to construct based on the information received at the public hearing and the aforementioned findings.

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| <u>David Robbins, Chairman</u> | <u>AYE</u> | <u>Prabhu Venkataraman, Member</u> | <u>AYE</u> |
| <u>Robert Hassinger, Vice Chairman</u> | <u>AYE</u> | <u>Linda Hassinger, Member</u> | <u>AYE</u> |
| <u>Justin Wood, Clerk</u> | <u>AYE</u> | | |

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD



Christopher J. McGoldrick, Town Planner

3/11/2020

Date

cc: Applicant / Owner

- Graves Engineering
- Building Inspector

- Assistant Town Engineer

To Whom It May Concern: This is to certify that the 20 day appeal period has passed and there have been no appeals made to this office.

Kandy Lavalley, Town Clerk

Date